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EXAMINER

HOSSAIN, FARZANA E

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 04/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/056,363		JANEVSKI, ANGEL	
	<b>Examiner</b>		<b>Art Unit</b>	
	Farzana E. Hossain		2623	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01-25-02.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 June 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                    |                                                                             |
|----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____                                                |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>10-31-03, 01-25-02</u> .                                                  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a) because they fail to show Figure 1, 4, 2 (details should be labeled for the Figure) as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.
2. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in

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compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: Digital Television System Having Personalized Television Programs.

Or

Digital Television System Having Edited Versions of Television Programs Based on User Profile.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-4, 6, 7, 10-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Sitnik (US 6,160,570).

Regarding Claim 1, Sitnik an apparatus for receiving a television (TV) program transmitted as a transport stream and for editing the TV program for a user (Figure 1, Figure 2), said apparatus comprising a memory (Figure 2, 21, 24, 22) for storing the transport stream (Column 6, lines 22-37), a user profile (Column 6, lines 34-40) and computer executable process modules (Column 6, lines 22-29); a display processor for receiving video data contained in the transport stream (Figure 2, 12), and for providing the video data as sequence of video segments or portions in the video sequence (Column 5, lines 33-35); a display for displaying the sequence of video segments or portions (Figure 2, 14) and an editing process module for producing an edited version of the TV program in light of the user profile to thereby cause the display processor to display the edited version (Figure 2, 19, Column 4, lines 51-67, Column 6, lines 1-3).

Regarding Claim 13, Sitnik discloses a data storage medium comprising indicia of instruction for a processor (Figure 2, 19, 21, 24, 22) to perform a method for receiving a television program transmitted as a transport stream and for editing the television

program for a user (Figure 3); the method comprise the steps of: storing the transport stream and a user profile (Column 6, lines 22-37); receiving video data contained in the transport stream (Figure 2, 7); providing the video data as sequence of video segments or portions in the video (Column 3, lines 60-67); and producing an edited version of the TV program in light of the user profile.

Regarding Claim 17, see rejections of Claims 1 and 13 above.

Regarding Claims 2, 14, 18, Sitnik discloses all the limitations of Claim 1, 13, and 17 respectively. Sitnik discloses that the editing process module produces an edited version in light of a viewing context of the user (Column 7, lines 41-56).

Regarding Claim 3, Sitnik discloses all the limitations of Claim 2. Sitnik discloses that the viewing context is selected from the group consisting of composition of viewing audience (Column 7, lines 58-65) and user's viewing history with respect to the video segments of the TV program (Column 7, lines 41-56).

Regarding Claim 4, Sitnik discloses all the limitations of Claim 2. Sitnik discloses wherein the edit version of the TV program comprises at least one video segment having been deleted (Figure 3, S303).

Regarding Claims 6, 15, 19, Sitnik discloses all the limitations of Claim 2, 13, and 17 respectively. Sitnik discloses that an additional program with additional segments has been supplied to the user in order to produce an edited version of the TV program (Figure 3, S303).

Regarding Claim 7, Sitnik discloses all the limitations of Claim 6. Sitnik discloses that one additional video segment is supplied to the apparatus as an alternative

segment or alternative images transmitted in the transport stream (Figure 3, S303, Column 4, lines 8-13).

Regarding Claims 10, 16, 20, Sitnik discloses all the limitations of Claim 2, 13, and 17 respectively. Sitnik discloses the editing process module utilizes video segment data or portions of the video data (Column 3, lines 60-67, Column 4, lines 8-13).

Regarding Claim 11, Sitnik discloses all the limitations of Claim 10. Sitnik discloses the video segment data is present in the transport stream (Column 3, lines 60-67, Column 4, lines 8-13).

Regarding Claim 12, Sitnik discloses all the limitations of Claim 10. Sitnik discloses that the controller performs the process of determining the video segment data (Column 4, lines 2-7, Column 5, lines 2-6), which necessarily includes an image identification process module as it performs the function of identifying the image.

6. Claims 1, 2, 4-7, 10-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Ochiai et al (US 6,314,568 and hereafter referred to as "Ochiai").

Regarding Claim 1, Ochiai discloses an apparatus for receiving a television (TV) program transmitted as a transport stream (Figure 3, S1) and for editing the TV program for a user or reproduce the viewer or user's program (Figure 3, S6), the apparatus comprising a memory for storing the transport stream (Figure 5, 12), a user profile (Figure 5, 12, Column 7, lines 20-26). It is necessarily inherent that the CPU has computer executable process modules as the CPU controls the whole operation of receiving and editing a program for a viewer (Column 7, lines 28-37). Ochiai discloses

an operating system performing a function of determining marks on the sequence of the program (Column 10, lines 36-39), which is a step to reproduce a viewer's program. It is necessarily included that computer executable process modules such as the operating system and programs to control the function of the controller or CPU are stored in the main memory, which necessarily includes the storing of programs for the CPU to fetch, (Figure 5, 14) or other memory (Figure 5, 12, 12a) in the receiver in order to perform the functions of the CPU. Ochiai discloses a display processor for receiving video data contained in the transport stream (Figure 5, 15, 16), and for providing the video data as sequence of video segments (Figure 4); a display for displaying the sequence of video segments (Figure 5, 16), and the controller or CPU performs the process for producing an edited version of the TV program in light of the user profile to thereby cause the display processor to display the edited version (Figure 5, 15, Column 7, lines 28-38, Figures 6, 7, 8A, 8B), which would necessarily include an editing process module which performs the same function.

Regarding Claim 13, Ochiai discloses a data storage medium comprising indicia of instruction for a processor or a main memory which necessarily includes the storing of programs that the CPU fetches (Figure 5, 14) to perform a method for receiving a television program transmitted as a transport stream and for editing the television program for a user or the CPU/controller performs the method for receiving a TV program transmitted as a transport stream and for editing the program (Column 7, lines 28-38); the method comprises the steps of: storing the transport stream (Figure 5, 12) and a user profile (Figure 5, 12, Column 7, lines 20-27); receiving video data contained



in the transport stream or receiving the broadcast program (Column 4, lines 59-65, Figure 1, S1, 11, S3 13); providing the video data as sequence of video segments (Figure 4); and producing an edited version of the TV program in light of the user profile (Figure 5, 15, Column 7, lines 28-38, Figures 6, 7, 8A, 8B).

Regarding Claim 17, Ochiai discloses a method for receiving a television program transmitted as a transport stream and for editing the television program for a user or the CPU/controller performs the method for receiving a TV program transmitted as a transport stream and for editing the program (Column 7, lines 28-38) comprising a memory for storing the transport stream (Figure 5, 12), a user profile (Figure 5, 12, Column 7, lines 20-26). It is necessarily inherent that the CPU has computer executable process modules as the CPU controls the whole operation of receiving and editing a program for a viewer (Column 7, lines 28-37). Ochiai discloses an operating system performing a function of determining marks on the sequence of the program (Column 10, lines 36-39), which is a step to reproduce a viewer's program. It is necessarily included that computer executable process modules such as the operating system and programs to control the function of the controller or CPU are stored in the main memory, which necessarily includes the storing of programs for the CPU to fetch, (Figure 5, 14) or other memory (Figure 5, 12, 12a) in the receiver in order to perform the functions of the CPU. Ochiai discloses receiving video data contained in the transport stream or receiving the broadcast program (Column 4, lines 59-65, Figure 1, S1, 11, S3 13); providing the video data as sequence of video segments (Figure 4); displaying the sequence of video segments (Figure 5, 16), producing an edited version of the TV

program in light of the user profile (Figure 5, 15, Column 7, lines 28-38, Figures 6, 7, 8A, 8B), and displaying the edited version (Figure 5, 16, Figures 6, 7, 8A, 8B).

Regarding Claims 2, 14, 18, Ochiai discloses all the limitations of Claim 1, 13, and 17 respectively. Ochiai discloses that the controller or CPU produces an edited version in light of a viewing context of the user (Column 7, lines 21-27).

Regarding Claim 4, Ochiai discloses all the limitations of Claim 2. Ochiai discloses wherein the edit version of the TV program comprises at least one video segment having been deleted or the viewer's program does not include segments C and E (Figure 6) from the original received program (Figure 4).

Regarding Claim 5, Ochiai discloses all the limitations of Claim 2. Ochiai discloses wherein the edit version of the TV program comprises at least one video segment having been rearranged in time (Figure 7) from the original received program (Figure 4).

Regarding Claims 6, 15, 19, Ochiai discloses all the limitations of Claim 2, 13, and 17 respectively. Ochiai discloses that an additional program with additional segments has been supplied to the user in order to produce an edited version of the TV program (Figure 8B) such as items or scenes G, H, and I have added to the program.

Regarding Claim 7, Ochiai discloses all the limitations of Claim 6. Ochiai discloses that one additional video segment is supplied to the apparatus as an alternative segment transmitted in the transport stream or an additional program with segments are sent to the viewer and the viewer's program or edited version is made up of the original program and alternative segments from the second program (Figure 8A).

Regarding Claims 10, 16, 20, Ochiai discloses all the limitations of Claim 2, 13, and 17 respectively. Ochiai discloses the controller or CPU producing an edited version comprises utilizing video segment data (Figures 4-7, 8A, 8B).

Regarding Claim 11, Ochiai discloses all the limitations of Claim 10. Ochiai discloses the video segment data is present in the transport stream as the TV program consists of video segments (Figures 4-7, 8A, 8B) and the TV program is received from a broadcasting station (Column 4, lines 59-65, Figure 1, S1, 11, S3 13).

Regarding Claim 12, Ochiai discloses all the limitations of Claim 10. Ochiai discloses that the controller performs the process of determining the video segment data (Column 7, lines 28-38, Figure 4, Figure 9, Figure 10), which necessarily includes an image identification process module as it performs the function of identifying the image.

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ochiai in view of Lewis (US 2003/0040962 and hereafter referred to as "Lewis").

Regarding Claim 3, Ochiai discloses all the limitations of Claim 2. Ochiai discloses that the viewer is shown an edited version of a program based on the viewer's tastes or viewing context information. Ochiai is silent on the viewing context information is selected from the group consisting of viewing-time constraints, composition of viewing audience, and user's viewing history with respect to the video segments of the TV program. Lewis discloses that an apparatus receiving the transport stream and a memory for storing the transport stream (Pages 12-13, paragraphs 0134-0135) and editing the program based on a user profile (Page 13, paragraph 0136). Lewis discloses that a user profile with viewing context information, wherein context information is composition of viewing audience such as demographic data of the viewer indicates child (V-CHIP) (Page 13, paragraph 0136, Page 5, paragraph 0041-0042).

9. Claims 8, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ochiai in view of Ochiai et al (US 6,757,482 and hereafter referred to as "Ochiai2").

Regarding Claim 8, Ochiai discloses all the limitations of Claim 6. Ochiai discloses additional segments are supplied to the apparatus via another program with scenes. Ochiai is silent on the additional segment(s) is supplied from a source separate from the transport stream. Ochiai2 discloses an apparatus for receiving a television (TV) program transmitted as a transport stream (Figure 2, 91) and for editing the TV program for a user or reproduce the viewer or user's program (Figure 2, 5, 6), the apparatus comprising a memory for storing the transport stream (Figure 2, 11). Ochiai2 discloses a display processor for receiving video data contained in the transport stream

(Figure 2, 5), and for providing the video data as sequence of video segments (Figure 6); a display for displaying the sequence of video segments (Figure 2, 7), and the controller or CPU performs the process for producing an edited version of the TV program to cause the display processor to display the edited version (Figures 6-8). Ochiai2 discloses that the broadcast data or TV programs can be acquired and reproduced for viewers to have edited versions of the programs (Figures 6-8) including receiving a first program and a second program with additional scenes or segments that can be used alternatively to the first programs segments (Figure 8). Ochiai2 discloses that the broadcast data can be received via the Internet (Column 11, lines 8-16) and also received broadcast data can come from various types of tuners (Column 7, lines 14-16) which indicates the two programs can be received via two separate sources. Therefore, it would have been obvious to one of ordinary skill in the art to modify Ochiai to include that programs with additional segments can be received from separate sources as taught by Ochiai2 in order to allow a viewer to watch a broadcast program in different order (Column 1, lines 35-48) as disclosed by Ochiai2.

Regarding Claim 9, Ochiai and Ochiai2 disclose all the limitations of Claim 8. Ochiai2 discloses that the separate source can be additional tuners or Internet.

### ***Double Patenting***

10. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent

and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

11. Claim 1 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of US 6,160,570 (Sitnik). Although the conflicting claims are not identical, they are not patentably distinct from each other

because they are broader in scope and therefore would unduly extend the time wise monopoly afforded to the other claims.

Regarding Claim 1 of the instant application, limitation "An apparatus" is met by the limitation "A digital television system including a digital television receiver" of US 6,160,570, as an apparatus for receiving a TV program can be a digital TV receiver.

The instant application's limitation "a memory for storing a user profile and computer executable process modules" is met by the limitation "a memory for storing a user profile and computer executable process steps" of US 6,160,570, as computer executable process modules perform steps.

The instant application's limitation "a display processor for receiving video data and for providing the video data as a sequence of video segments" is met by the limitation "a display processor for receiving video data contained and for providing the video data as a video sequence" of US 6,160,570, as the video sequence contains segments or portions.

The instant application's limitation "a display for displaying the sequence of video segments" is met by the limitation "a display for displaying the sequence of picture frames" of US Patent 6,160,570, as the picture frames can be portions.

The instant application's limitation "an editing process module for producing an edited version of the TV program in light of the user profile to thereby cause the display processor to display the edited version" is broader than "a controller for receiving video data corresponding to at least two alternative images, and for executing the process steps stored in the memory so as (i) to select on of the alternative images based on

information stored in the user profile, and (ii) to cause the display processor to include the selected one of the alternative images within the video sequence, wherein the alternative images comprise images of object in the video sequences, said selected image then appearing on the display integrally in picture frames of the video sequence” of US 6,160,570. It would be obvious to modify the instant application to include the limitation found in US 6,160,570 as it is taught by prior art.

The instant application’s limitation “an apparatus for receiving a television program as a transport stream and for editing said television program for a user” and “a memory for storing said transport stream” and “receiving video data contained in said transport stream” are additional features. It would have been obvious to modify US 6,160,570 to include the limitations as prior art discloses the limitations. Ochiai discloses an apparatus for receiving a television program as a transport stream and for editing said television program for a user (Column 7, lines 28-38, Figure 5), a memory for storing said transport stream (Figure 5, 12), and receiving video data contained in said transport stream (Column 7, lines 28-38, Figure 5).

### ***Conclusion***

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farzana E. Hossain whose telephone number is 571-272-5943. The examiner can normally be reached on Monday to Friday 8:00 am to 4:30 pm.



If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FEH  
April 14, 2006



VIVEK SRIVASTAVA  
PRIMARY EXAMINER